

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
06/14/2001

05/30/2001

CLERK OF THE COURT
FORM R109B

HONORABLE CHRIS E. WOTRUBA
FOR JUDGE PRO TEM WM. DAVID
ANDERSON

J. Mabry/L. Stroud
Deputy

CR 2000-000569

FILED: _____

STATE OF ARIZONA

JEFFREY R DUVENDACK

v.

KAREN L MITCHELL
DOB: 02/23/1956

KAREN L KAPLAN

APO-SENTENCINGS-CCC
APPEALS-CCC
DISPOSITION CLERK-CCC
PRETRIAL SERVICES AGENCY-CCC
VICTIM WITNESS DIV-CA-CCC

SUSPENSION OF SENTENCE - PROBATION GRANTED

9:15 a.m. State is represented by Jane McLaughlin.
Defendant is present and represented by Karen Kaplan, P.D.

Court Reporter, Mike Wade, is present.

The acceptance of the Defendant's plea having previously
been deferred is now accepted and entered of record.

The Defendant is advised of the charge, the determination of
guilt and is given the opportunity to speak.

Based upon the information provided, the Court finds
probation to be mandatory pursuant to A.R.S. Section 13-901.01(F)
due to the fact that this is the Defendant's second drug
conviction. The Court further finds probation to be appropriate

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due to the nature of this offense and the Defendant's need for supervision and for drug treatment.

Pursuant to A.R.S. Section 13-607,

THE COURT FINDS AS FOLLOWS:

WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived his/her right to a trial with or without a jury, his/her right to confront and cross examine witnesses, his/her right to testify or remain silent and his/her right to present evidence and call his/her own witnesses after having been advised of these rights. The determination of guilt was based upon a plea of Guilty.

Having found no legal cause to delay rendition of judgment and pronouncement of sentence, the Court enters the following judgment and sentence:

IT IS THE JUDGMENT of the Court that the Defendant is guilty of the crimes of:

OFFENSE: COUNT 2 AMENDED: POSSESSION OF DRUG PARAPHERNALIA, a class 6 undesignated, nondangerous and nonrepetitive offense in violation of A.R.S. Sections 13-3401, 3407, 3415, 3418, 701, 702, 702.01, 707, 801, 802 and 901.01(F) committed on September 18, 1999.

Upon consideration of the offense, the facts, law and circumstances involved in this case, the Court finds that the Defendant is eligible for probation. The specific reasons for the granting of probation are stated by the Court on the record.

As punishment for this crime(s),

IT IS ORDERED suspending imposition of sentence and placing the Defendant on **standard** probation as to Count(s) 2 for a period of **TWO YEARS** commencing May 30, 2001 under the supervision of the

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Adult Probation Department of this Court, in accordance with the formal Judgment and Order suspending sentence and Order imposing terms of probation signed by the Court.

As a condition of probation,

IT IS ORDERED that probation in this cause shall run concurrent with probation in CR 98-04309.

IT IS ORDERED that the Defendant shall complete 40 total hours of Community Service, at the rate of 20 hours each month beginning July 1, 2001.

FINE: IT IS ORDERED that the Defendant shall pay a fine to the Clerk of the Superior Court of Maricopa County in the amount of \$750.00, and all applicable surcharges are waived.

Payment is to be made in regular monthly payments of \$20.00 commencing July 1, 2001 and on the same day of each month thereafter until paid in full.

IT IS ORDERED that the Defendant pay an assessment in the amount of \$20.00 to the Clerk of the Superior Court of Maricopa County as follows:

Pursuant to A.R.S. Section 12-116, Defendant shall pay a fee of \$20.00 to the Clerk of the Superior Court of Maricopa County. Should Defendant pay all penalties, fines and/or sanctions in full this date, said fee is not applicable.

Payment is to be made on or before July 1, 2001.

IT IS ORDERED granting the Motion to Dismiss Count 1.

The written terms and conditions of probation are handed to the Defendant for explanation, acceptance and signature. The Defendant agrees to the stated waiver of extradition. The

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Defendant is advised concerning the consequences of failure to abide the conditions of probation.

The Defendant is advised concerning rights of review after conviction and written notice of those rights is provided.

FILED: Conditions of Probation and Notice of Rights of Review after Conviction.

Let the record reflect the presentence investigation report is filed under CR 2000-000569.

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Let the record reflect that the Defendant's thumbprint is permanently affixed to this sentencing order in open court.

9:23 a.m. Matter concludes.

/s/ HONORABLE CHRIS E. WOTRUBA
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)